

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

LEA MÁRQUEZ PETERSON– Chairwoman
SANDRA D. KENNEDY
JUSTIN OLSON
ANNA TOVAR
JIM O’CONNOR

IN THE MATTER OF CITIZENS
TELECOMMUNICATIONS COMPANY OF THE
WHITE MOUNTAINS, INC. D/B/A FRONTIER
COMMUNICATIONS OF THE WHITE
MOUNTAINS (FRONTIER), CITIZENS UTILITIES
RURAL COMPANY, INC., FRONTIER
COMMUNICATIONS OF THE SOUTHWEST, INC.,
AND NAVAJO COMMUNICATIONS COMPANY,
INC. TO CLASSIFY AND REGULATE RETAIL
LOCAL EXCHANGE TELECOMMUNICATIONS
SERVICES AS COMPETITIVE, AND TO
CLASSIFY AND DEREGULATE CERTAIN
SERVICES AS NON-ESSENTIAL.

DOCKET NO. T-03214A-21-0334
T-01954B-21-0334
T-20680A-21-0334
T-02115A-21-0334

PROCEDURAL ORDER
(Modifies a Previously Issued
Procedural Order)

BY THE COMMISSION

On October 15, 2021, Citizens Telecommunications Company of the White Mountains, Inc. d/b/a Frontier Communications of the White Mountains (“White Mountains”), Citizens Utilities Rural Company, Inc. (“Citizens”), Frontier Communications of the Southwest, Inc. (“Frontier”), and Navajo Communications Company, Inc. (“Navajo”) (collectively, “the Frontier Companies” or “Applicants”) filed an application with the Arizona Corporation Commission (“Commission”) to classify and regulate retail local exchange telecommunications services as competitive, and to classify and deregulate certain services as non-essential.

On October 20, 2021, a Procedural Order regarding consent to email service was issued.

On January 25, 2022, the Commission’s Utilities Division (“Staff”) and Applicants filed a Joint Motion for Procedural Schedule, proposing the following schedule:

Frontier Direct Testimony	2/07/2022
Staff/Intervenor Direct Testimony	5/09/2022
Frontier Rebuttal Testimony	6/10/2022
Staff Surrebuttal Testimony	7/01/2022

Hearing

July 2022

On February 1, 2022, a Procedural Order was issued scheduling a hearing to commence on July 25, 2022 and established other procedural deadlines.

On February 4, 2022, Applicant's filed a Notice of Filing Direct Testimony of Jack D. Phillips.

On March 11, 2022, Applicant's filed a Notice of Filing Certification of Mailing, Publication, and Website Posting.

On May 3, 2022, Staff filed a Request to Modify the Procedural Schedule ("Request"), stating that due to an unusually heavy workload and staffing shortages, Staff needed to modify the procedural schedule to allow Staff additional time to prepare its testimony. The Request further stated that Staff conferred with Applicants and they have no objection.

On May 6, 2022, a Procedural Order was issued granting Staff's Request. Further, the hearing was rescheduled to commence on December 12, 2022, and new procedural deadlines were established.

On May 10, 2022, the Hearing Division was notified of a typographical error contained in the May 6, 2022, Procedural Order regarding the deadline for filing exhibits.

It is appropriate to modify the Procedural Order previously issued to correct the filing deadlines.

IT IS THEREFORE ORDERED that a **hearing** in this matter shall commence on **December 12, 2022, at 10:00 a.m.**, at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona 85007, and shall continue, as necessary, at **9:00 a.m. on December 13, 14, 16, and 19, 2022.**

IT IS FURTHER ORDERED that **July 25, 2022**, shall be held for the taking of public comments only.

IT IS FURTHER ORDERED that **each party shall comply with the following requirements, regardless of whether any party or witness is to participate in the hearing remotely:**

- By December 8, 2022, each party shall file in the docket each exhibit that the party anticipates using at hearing, with each exhibit labeled with the party's abbreviated name, followed by a dash (such as "A-" for Applicant, "S-" for Staff, and "RUCO-" for RUCO) and then a consecutive number.

- By December 8, 2022, each party shall file an exhibit list, in table format, including the following separate columns and the appropriate information for each exhibit the party anticipates using at hearing:

Exhibit Number	Description	Date filed	Identified	Offered	Admitted	Witness
<i>X-1</i>	<i>X's Application</i>	<i>6/25/2020</i>	Leave Blank	Leave Blank	Leave Blank	Leave Blank
<i>X-2</i>	<i>Testimony of John Doe</i>	<i>7/25/2020</i>	Leave Blank	Leave Blank	Leave Blank	Leave Blank

IT IS FURTHER ORDERED that a telephonic pre-hearing conference currently scheduled for **November 15, 2022, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona 85007, shall remain in effect to discuss the conduct of the hearing.

IT IS FURTHER ORDERED that on the date of, and at least five minutes prior to the time set for the telephonic pre-hearing conference, each party shall call **1-888-450-5996**, and enter participant no. **455500#**, preferably using a landline, to participate in the pre-hearing conference.¹

IT IS FURTHER ORDERED that the following **telephonic public comment meetings** shall be held by the Commission:

Date	Time
Tuesday, May 24, 2022	6:00 p.m. to 8:30 p.m., or until the last caller is finished speaking, whichever comes first
Friday, June 3, 2022	6:00 p.m. to 8:30 p.m., or until the last caller is finished speaking, whichever comes first
Wednesday, June 15, 2022	10:00 a.m. to 12:30 p.m., or until the last caller is finished speaking, whichever comes first
Monday, June 27, 2022	10:00 a.m. to 12:30 p.m., or until the last caller is finished speaking, whichever comes first
Monday, July 18, 2022 , at the beginning of the pre-hearing conference	10:00 a.m. to 12:30 p.m., or until the last caller is finished speaking, whichever comes first

IT IS FURTHER ORDERED that members of the public may participate in the telephonic public comment meetings by calling **1 (888) 450-5996** and entering the code **455500#**.

¹ Mobile telephones do not consistently provide adequate audio quality to permit the verbatim transcription of telephonic speech.

1 IT IS FURTHER ORDERED that any motion, other than a dispositive motion, that is filed in
2 this matter and that is not ruled upon within 20 calendar days of the filing date of the motion shall be
3 deemed denied.

4 IT IS FURTHER ORDERED that any response to a motion other than a dispositive motion
5 shall be filed within seven calendar days of the filing date of the motion.

6 IT IS FURTHER ORDERED that any response to a dispositive motion shall be filed within 10
7 calendar days of the filing date of the motion.

8 IT IS FURTHER ORDERED that any reply to a response shall be filed within five calendar
9 days of the filing date of the response.

10 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing, publication,
11 and/or posting of same, notwithstanding the failure of an individual customer to read or receive the
12 notice.

13 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the**
14 **Commission's website** for information regarding **Global Consent to Email Service² and how to**
15 **Follow the Docket.**³ Information regarding Global Consent to Email Service and how to Follow the
16 Docket is available on the Commission's website (www.azcc.gov) by clicking on "**Cases and Open**
17 **Meetings**" and then clicking on "**Globally Consent to Email Service**" or "**Follow a Docket or**
18 **Document Type.**"

19 IT IS FURTHER ORDERED that **documents may be eFiled** in this docket and that instructions
20 and restrictions for eFiling are available on the Commission's website at [http://azcc.gov/hearing/efile-](http://azcc.gov/hearing/efile-for-utilities-instruction)
21 [for-utilities-instruction.](http://azcc.gov/hearing/efile-for-utilities-instruction)

22 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
23 31, 31.1, 31.2, 31.3, 38, 39, and 42 with respect to the practice of law and admission *pro hac vice*.

24 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
25 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
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27 ² Global Consent to Email Service allows a party to consent to receive email service in all cases for which the party is
included on the service list, now or in the future.

28 ³ The "Follow a Docket" service allows any person to receive email notice, with a link to the filing, whenever something
is filed in the docket. The service can be used to follow one or many dockets.

1 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
2 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
3 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
4 Law Judge or the Commission.

5 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
6 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
7 in this matter is final and non-appealable.

8 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
9 pursuant to Rule 6(a)(2) or (c) of the Arizona Rules of Civil Procedure.

10 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
11 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
12 hearing

13 DATED this 11th day of May, 2022.

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16 SASHA PATERNOSTER
17 ADMINISTRATIVE LAW JUDGE
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On this 11th day of May, 2022, the foregoing document was filed with Docket Control as a Procedural Order – Modifies a Previously Issued Procedural Order, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

Michael Patten
SNELL & WILMER
400 East Van Buren
Phoenix, AZ 85004
Attorney for Citizens Telecommunications Company of the White Mountains, Inc. d/b/a Frontier Communications of the White Mountains, et al.

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Consented to Service by Email

Robin Mitchell, Director
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ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

LegalDiv@azcc.gov

utildivservicebyemail@azcc.gov

Consented to Service by Email

COASH & COASH, INC.
Court Reporting, Video and
Videoconferencing
1802 North 7th Street
Phoenix, AZ 85006

Emailed as a courtesy

By:


Grace Beltran
Assistant to Sasha Paternoster